

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Kenneth D. Simone, Jr.
Serial No.: 09/658,298
Filed: September 8, 2000
Group No.: 2142
Confirmation No. 3516
Examiner: Beatriz Prieto
Title: METHOD AND APPARATUS FOR COMMUNICATING
DURING AUTOMATED DATA PROCESSING

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

SUPPLEMENT TO THE CORRECTED APPEAL BRIEF

Appellant received a Notification of Non-Compliant Appeal Brief dated July 3, 2007 ("*Notification*"). The *Notification* indicated that the Corrected Appeal Brief filed by Appellant on December 5, 2006 failed to provide a complete Summary of Claimed Subject Matter in accordance with 37 C.F.R. § 41.37(c)(1)(v). In response, Appellant files this Supplement to the Corrected Appeal Brief including an Amended Summary of Claimed Subject Matter pursuant to M.P.E.P. § 1205.03. Appellant respectfully requests consideration by the Board of: the Corrected Appeal Brief, this Supplement to the Corrected Appeal Brief, and the Reply Brief filed by Appellant on December 22, 2006.

AMENDED SUMMARY OF CLAIMED SUBJECT MATTER

The traditional approach for carrying out image processing involves manually adjusting images on an image-by-image basis using image processing software that requires extensive operator interaction. *Specification*, p. 3, ll. 4-8. A less common approach includes hard-coding software routines in line-by-line source code. *Id.* at p. 3, ll. 12-14. However, these approaches have required a relatively high level of local human involvement. *Id.* at p. 3, ll. 24-29.

Embodiments of the present invention provide a method and apparatus for facilitating the automated processing of image data in a manner which reduces the level of human involvement. *Id.* at p. 5, ll. 2-7. A project definition defines how data obtained from files storing images will be processed. *Id.* at p. 8, ll. 6-7. A project definition may recognize source modules, branch modules, action modules, and destination modules. *Id.* at p. 10, ll. 11-17; Figure 1. These modules may define where to find data for processing, which data should be processed, what processing should be performed on the data, and where to put processed data. *Id.* at p. 14, ll. 15-21. For example, processing an image may include beveling, blurring, and/or tinting an image. *Id.* at p. 27, ll. 1-16; p. 27, ll. 17-29; p. 35, ll. 27-34. Processing may also include adding an image and/or text to another image. *Id.* at p. 35, ll. 16-26; p. 40, ll. 1-15. These modules may each correspond to one of a plurality of predetermined function definitions. *Id.* at Figure 14, item 537; p. 89, ll. 3-16. The input port(s) and the output port(s) of modules included in a project definition can be bound together to create binding definitions. *Id.* at p. 9, ll. 24-33. So as to facilitate their creation, project definitions may be visually represented in a variety of different ways. *Id.* at p. 44, ll. 27-30; p. 91, ll. 13-21; Fig. 6-8.

After its creation, the project definition may be executed. The description of Figure 8 details an example of a project definition's execution. *Id.* at p. 54-62. An imaging server (221) may execute the project definition. *Id.* at p. 64, ll. 18-20; Figure 9. One of the modules of the project definition may automatically send a communication to a remote device after editing a predetermined number of images. *Id.* at p. 56, ll. 16-34. For example, this module may be a send email module (131). *Id.* at Figure 8; p. 37, ll. 24-33.

The present claims provide for storing a project definition, executing the project definition, and automatically transmitting a communication to a remote device through a

communication link after editing the image data during execution of the project definition, wherein transmitting the communication occurs after editing a predetermined number of images. As an example of this operation, Figure 14 illustrates a graphical user interface displaying a project definition according to one embodiment. The independent claims each include elements addressing portions of the components, storing, executing, and operation of a project definition.

With regard to the independent claims currently under Appeal, Appellant provides the following concise explanation of the subject matter recited in the claim elements. For brevity, Appellant has provided an example of where particular claimed aspects may be found in Figures 1 and 14. **These citations provide just an example** in order to assist the Board in considering the Appeal of this Application. A more complete list of relevant portions of the Specification and drawings is provided below each independent claim. However, **Appellant does not necessarily identify every portion of the Specification and drawings relevant to the recited claim elements.** For at least these reasons, this explanation should not be used to limit the scope of Appellant's claims.

A. Claim 1 - Independent

A method, comprising the steps of:

providing a set of predetermined function definitions which are different (*see, e.g.*, Fig. 14, item 537), at least one of said predetermined function definitions defining a function for editing image data (*see, e.g.*, Fig. 14, item 543);

storing a project definition (*see, e.g.*, Fig. 14, item 101) that is operable when executed to edit said image data and which includes: a plurality of function portions (*see, e.g.*, Fig. 14, items 136, 151, 156, and 161) which each correspond to one of said function definitions in said set, and which each define at least one input port and at least one output port that are functionally related according to the corresponding function definition (*see, e.g.*, Fig. 1, items 23 and 33 of item 31); a further portion which includes a source portion identifying a data source and defining an output port through which said image data from the data source can be produced (*see, e.g.*, Fig. 1, item 21), and which includes a destination portion identifying a data destination and defining an input port through which said image data can be supplied to the data destination (*see, e.g.*, Fig. 1, items 37 and 38); and binding information which includes binding portions that each associate a respective said input port with one of said output ports (*see, e.g.*, Fig. 14, items 137, 152, and 157);

executing said project definition (*see, e.g.*, Fig. 14, item 521); and

automatically transmitting a communication to a remote device through a communication link after editing said image data during execution of said project definition, wherein transmitting said communication occurs after editing a predetermined number of images (*see, e.g.*, Fig. 14, "FTP Save"; *see also, e.g.*, Specification, p. 56, ll. 16-34).

See also, e.g., Figure 1 (14, 21, 22, 23, 26, 27, 31, 32, 33, 34, 37, 38), Figure 2 (3, 4, 5), Figure 6 (71, 72, 73, 74, 77, 78, 79), Figure 7 (71, 82, 83, 84), Figure 8 (121, 122, 126, 129, 131, 132, 136, 138, 141, 142, 143, 146, 147, 148, 151, 152, 156, 157, 161, 162, 166, 168, 169, 171, 172, 176, 177, 181, 186, 187, 191, 192, 196), Figure 9 (206, 207, 208, 211, 216, 217, 221, 222, 223, 226, 227, 231, 232, 241, 242, 247, 251, 252, 256, 257, 258, 277, 281, 282, 283, 284, 286, 287, 291, 292, 296, 451, 452, 456, 457), Figure 11 (367, 368, 371, 372), Figure 13 (491), Figure 14 (101, 521, 526, 527, 528, 529, 536, 537, 541, 542, 543, 544), Figure 15 (101, 102, 103, 104), Figure 16 (581, 582, 586, 591, 592, 587), Figure 17 (601), Figure 18 (651); and the Specification at 8:1-15, 9:13-33, 10:1-22, 10:23-11:13, 13:21-17:17, 43:27-45:18, 45:19-46:12, 54:15-62:10, 62:11-73:6, 74:10-76:20, 81:13-85:2, 86:27-93:32, 93:33-94:25, 95:18-31; *see also* Tables 1-5.

B. Claim 7 - Independent

A computer-readable medium encoded with a computer program which recognizes a set of predetermined function definitions that are different (*see, e.g.*, Fig. 14, item 537), at least one of said predetermined function definitions defining a function for editing image data (*see, e.g.*, Fig. 14, item 543), said program being operable when executed to facilitate:

storing of a project definition (*see, e.g.*, Fig. 14, item 101) that is operable when executed to edit said image data and which includes: a plurality of function portions (*see, e.g.*, Fig. 14, items 136, 151, 156, and 161) which each correspond to one of said function definitions in said set, and which each define at least one input port and at least one output port that are functionally related according to the corresponding function definition (*see, e.g.*, Fig. 1, items 23 and 33 of item 31); a further portion which includes a source portion identifying a data source and defining an output port through which said image data from the data source can be produced (*see, e.g.*, Fig. 1, item 21), and which includes a destination portion identifying a data destination and defining an input port through which said image data can be supplied to the data destination (*see, e.g.*, Fig. 1, items 37 and 38); and binding information which includes binding portions that each associate a respective said input port with one of said output ports (*see, e.g.*, Fig. 14, items 137, 152, and 157);
execution of said project definition (*see, e.g.*, Fig. 14, item 521); and
automatic transmission of a communication to a remote device through a communication link after editing said image data during execution of said

project definition, wherein transmission of said communication occurs after editing a predetermined number of images (*see, e.g.*, Fig. 14, "FTP Save"; *see also, e.g.*, Specification, p. 56, ll. 16-34).

See also, e.g., Figure 1 (14, 21, 22, 23, 26, 27, 31, 32, 33, 34, 37, 38), Figure 2 (3, 4, 5), Figure 6 (71, 72, 73, 74, 77, 78, 79), Figure 7 (71, 82, 83, 84), Figure 8 (121, 122, 126, 129, 131, 132, 136, 138, 141, 142, 143, 146, 147, 148, 151, 152, 156, 157, 161, 162, 166, 168, 169, 171, 172, 176, 177, 181, 186, 187, 191, 192, 196), Figure 9 (206, 207, 208, 211, 216, 217, 221, 222, 223, 226, 227, 231, 232, 241, 242, 247, 251, 252, 256, 257, 258, 277, 281, 282, 283, 284, 286, 287, 291, 292, 296, 451, 452, 456, 457), Figure 11 (367, 368, 371, 372), Figure 13 (491), Figure 14 (101, 521, 526, 527, 528, 529, 536, 537, 541, 542, 543, 544), Figure 15 (101, 102, 103, 104), Figure 16 (581, 582, 586, 591, 592, 587), Figure 17 (601), Figure 18 (651); and the Specification at 8:1-15, 9:13-33, 10:1-22, 10:23-11:13, 13:21-17:17, 43:27-45:18, 45:19-46:12, 54:15-62:10, 62:11-73:6, 74:10-76:20, 81:13-85:2, 86:27-93:32, 93:33-94:25, 95:18-31; *see also* Tables 1-5.

CONCLUSION

Appellant respectfully submits that the Amended Summary of Claimed Subject Matter provided herein complies with the requirements of 37 C.F.R. § 41.37(c)(1)(v). If the Examiner disagrees, Appellant respectfully requests clarification of the Examiner's position.

Through this Supplement to the Corrected Appeal Brief, the Corrected Appeal Brief (filed December 5, 2006), and the Reply Brief (filed December 22, 2006), Appellant has demonstrated that the present invention, as claimed in Claims 1-10, 12, and 14, is patentably distinct from the cited art and that Claim 1 is directed to statutory subject matter. Accordingly, Appellant respectfully requests that the Board reverse the final rejection and instruct the Examiner to issue a Notice of Allowance of Claims 1-10, 12, and 14.

Appellant believes no fee is due; however, the Commissioner is hereby authorized to charge any extra fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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